

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF YUMA

THIS AGREEMENT is entered into 6 October 2000,  
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between  
the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION  
(the "State") and the CITY OF YUMA, acting by and through its MAYOR and CITY COUNCIL  
(the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into  
this agreement and has by resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has delegated to the undersigned the authority  
to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into  
this agreement and has by resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has authorized the undersigned to execute this  
agreement on behalf of the City

3. The State and the City desire to participate in the design, construction, and  
maintenance of renovations to the I-8 Giss Parkway traffic interchange Southbound entrance  
and exit ramps, to provide an interconnect with Redondo Drive, at a currently estimated cost of  
\$1,000,000.00 for design and construction, all at City expense, hereinafter referred to as the  
Project, for the safety and benefit of the motoring public. The parties hereto agree that the City  
shall be the lead agency for the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as  
follows:

=====

NO 24262  
Filed with the Secretary of State  
Date Filed: 10/06/00

Betsy Gayless  
Secretary of State

3. Vicky V. Greenwald

## II. SCOPE

### 1. The City will:

a. Using the State's on-call design engineering firm, provide design plans, specifications and such other documents and services required for construction bidding and construction of the Project. Incorporate State review comments.

b. Call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the City. Using the State's on-call construction engineering consultant, provide construction engineering for the Project during construction.

c. Be responsible for all costs associated with the Project, currently estimated at \$80,000.00 for design and \$920,000 for construction.

d. Upon completion, approve and accept the Project on behalf of the City and provide maintenance outside the State right-of-way, all at City expense.

### 2 The State will:

a. Review and approve the Project design documents.

b. Upon completion and acceptance by the City, approve and accept the project on behalf of the State, and provide maintenance to the Project inside the State right-of-way.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project, provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a design contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

City of Yuma  
Director of Public Works  
180 W. 1<sup>st</sup> Street  
Yuma, AZ 85364

7 Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**CITY OF YUMA**

**STATE OF ARIZONA**

Department of Transportation

By Joyce A. Wilson  
Joyce A. Wilson  
City Administrator

By William J. Higgins  
WILLIAM J. HIGGINS  
Deputy State Engineer

ATTEST

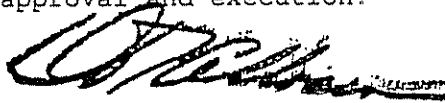
By Brigitta K. Stanz  
BRIGITTA K. STANZ  
City Clerk

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RESOLUTION

BE IT RESOLVED on this 24th day of July 2000, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Yuma for the purpose of defining responsibilities for designing and constructing improvement to the I-8 Giss Parkway entrance and exit ramps.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.



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DAVID R. ALLOCCO, P.E.  
Assistant State Engineer  
Engineering Technical Group  
for Mary E. Peters, Director

RESOLUTION NO. R2000-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF YUMA AND THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE RENOVATION OF THE I-8/GISS PARKWAY INTERCHANGE AND RESCINDING RESOLUTION NO. R2000-62.

WHEREAS, the City of Yuma (City) desires to enhance access from Federal Interstate highway 8 (I-8) to local surface streets; and

WHEREAS, the Arizona Department of Transportation (ADOT) requires the City use State-approved consultants for design services and construction management for construction of renovations to the I-8/Giss Parkway traffic interchange Southbound entrance and exit ramps to provide an interconnection with Redondo Center Drive (the Project); and

WHEREAS, ADOT and the CITY wish to enter into an Intergovernmental Agreement (IGA) for the construction of the Project using State on-call contracts for consultants for design services and construction management; and

WHEREAS, the City Council approved Resolution No. R2000-62 on August 16, 2000 authorizing an IGA between the parties that is superceded by the IGA attached to this Resolution.

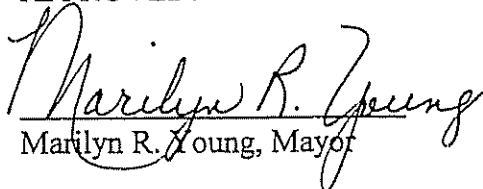
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: That the City Administrator be authorized to execute an Intergovernmental Agreement with ADOT for the construction of renovations to the I-8/Giss Parkway traffic interchange using State on-call contract services for design and construction management of the Project.


SECTION 2: That Resolution No. R2000-62, relating to the use of ADOT approved on-call consultant services, is hereby rescinded in its entirety.

PASSED AND ADOPTED this 6th day of September, 2000.

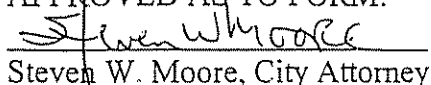
APPROVED:

  
Marilyn R. Young, Mayor

ATTEST:

  
for: Brigitta K. Stanz, City Clerk

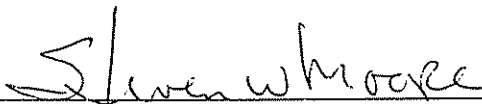
APPROVED AS TO FORM:

  
Steven W. Moore, City Attorney

APPROVAL OF THE YUMA CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF YUMA and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

  
\_\_\_\_\_  
City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

JANET NAPOLITANO  
ATTORNEY GENERAL

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FACSIMILE: (602) 542-4085

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR00-1436TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED: September 25, 2000

JANET NAPOLITANO  
Attorney General

SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:ggt

Enc.

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